

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Moura El-Asmar

Case: 2:13-mj-30359

Judge: Unassigned,

Filed: 06-10-2013 At 02:38 PM

CMP: USA v EL-ASMAR (FMM)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 09, 2013 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

31 U.S.C. sec. 5332(a)(1) - Bulk
Cash Smuggling.31 U.S.C. sec 5322 - Failure to
declare31 U.S.C. sec 5316 - Failure to
declare

18 U.S.C. sec 1001(a)(2)

Offense Description

With the intent to evade a currency reporting requirement under Title 31
Section 5316, knowingly concealing more than \$10,000 in currency or other
monetary instruments on the person of such individual or in any conveyance,
article of luggage, merchandise, or other container, and transports or
transfers or attempts to transport or transfer such currency or monetary
instruments from a place inside the United States to a place outside the
United States.

In a matter within the jurisdiction of the government of the United States to
knowingly and willfully make false, fictitious, or fraudulent statements.

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

HSI Task Force Officer Todd Scheffler

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/10/13City and state: Detroit, Michigan

Judge's signature

David K. Grand, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

1. I, Todd Scheffler, being duly sworn, depose and state:

I am a Task Force Officer with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) and have been so employed from April 2013 to present. I have been a police officer for 20 years. I am currently a Detective/Sergeant and have performed criminal investigations for the Trenton Police Department for the last year. In addition, I am a graduate of Ferris State University where I received my B.S. in Criminal Justice. During my tenure as a law enforcement officer I have been involved in numerous criminal investigations.

This affidavit is based upon my own personal knowledge and my discussions with other law enforcement agents and officers, which includes taskforce officers assigned to ICE, HSI, and officers from United States Customs and Border Protection (CBP).

STATUTORY FRAMEWORK

2. 31 USC Sec. 5316 creates an obligation to report the transportation of more than \$10,000 in United States Currency or its foreign equivalent into or outside of the United States of America. 31 USC Sec. 5322 (a) makes it a criminal violation to fail

to file a report required by 31 USC Sec. 5316.

3. 31 USC Sec. 5332 makes it a crime to intend to evade reporting requirements, knowingly conceal on the person, in a conveyance, in luggage, in merchandise, or in a container more than \$10,000 in currency or monetary instruments and transport or transfer or attempt to transport or transfer said currency into or out of the United States.
4. Furthermore, 18 USC Sec. 1001(a)(2) makes it a crime for whoever, in a matter within the jurisdiction of the executive, legislative, or judicial branch of the government of the United States to knowingly and willfully make any materially false, fictitious, or fraudulent statement or representation.

SUMMARY OF INVESTIGATION

5. On June 9, 2013 Canadian citizens Moura EL-ASMAR dob: (04/13/1962), Jacinta EL-ASMAR dob: (05/29/97), Michel BARNABA dob: (08/13/67), and Carlos CAMARGO dob: (03/27/95), attempted entry to the U.S at the Detroit Canada tunnel in a vehicle registered to Michel Barnaba bearing vehicle identification plate "BARNABA." At the time of entry into the United States CBP Officer Adelini questioned the driver BARNABA. During questioning BARNABA stated he was driving Moura and Jacinta El-ASMAR to the Detroit metro airport to catch a flight destined to Lebanon. A declaration was taken by CBP Officer Adelini in which

Moura EL-ASMAR stated she was caring \$3300 Canadian dollars. CBP Officer Adelini then explained the U.S currency and monetary instruments laws for reporting. Moura EL-ASMAR stated once again that she only had the \$3300 Canadian dollars. The vehicle and all four passengers was then referred to secondary for currency verification.

6. Secondary inspection was conducted by CBP Officers Hutchins, Short, Lawrence, and Allers. During the secondary inspection, pursuant to administrative questioning, Moura EL-ASMAR stated that she and Jacinta EL-ASMAR were traveling to Lebanon to visit her mother and daughter who is a student there. Moura EL-ASMAR presented her travel itinerary that showed a departure from Detroit Metro airport for 06/09/2013 at 1933hrs and a return date of 08/24/2013.
7. During secondary inspection, pursuant to administrative border search authority, a search of Moura EL-ASMAR's belongings was conducted, specifically of Moura EL-ASMAR's purse and her belongings located on her person, by CBP Officer Hutchins witnessed by CBP Officer Short. Search of Moura EL-ASMAR's belongings revealed approximately \$15,000 in Canadian dollars and \$300 U.S dollars. Moura EL-ASMAR then stated to CBP Officers Hutchins and Short that she did not count the money and was not aware that it was so much.
8. Subsequent to the findings a pat down of Moura EL-ASMAR was conducted by CBP Officer Allers witnessed by CBP Officer Lawrence with positive results. During the pat down, a bulky mass was discovered on the bra. When questioned,

Moura EL-ASMAR stated she had money sewn into her bra. A search of Moura EL-ASMAR's bra resulted in the discovery of four bags that were sewn into the bra lining. The bags had to be cut from the bra. Three of the bags contained \$10000 Canadian dollars each and the fourth \$9000 Canadian dollars for a total of \$39000 in Canadian currency. When Moura EL-ASMAR was questioned by CBP Officers Allers and Lawrence about the currency and replied that she did not want it to be stolen.

9. A pat down was conducted on Jacinta EL-ASMAR. Moura EL-ASMAR was asked if she sewed money into her daughters' bra in which she stated yes. The pat down on Jacinta EL-ASMAR was conducted by CBP Officer Lawrence witnessed by CBP Officer Allers with positive results. During the pat down a bulky mass was discovered on the bra. A search revealed two bags sewn into the bra lining. The bags once again had to be cut from the lining of the bra. Both bags contained \$10000 Canadian dollars for a total of \$20000 Canadian dollars.
10. All the currency found on Moura and Jacinta EL-ASMAR's person and belongings was then verified by CBP Officer Hutchins witnessed by CBP Officer Short to equal a total of \$ 72,440 in Canadian currency, for a US equivalent of \$72,673.00, with an additional \$300 dollars in US currency, for a total of \$72,973.00 US dollars in undeclared currency.
11. Pursuant to administrative border search questioning authority Moura EL-ASMAR was questioned about why she did not report the currency and decided to conceal it

in her and her daughter's bra. Moura EL-ASMAR stated that she only declared \$3300 due to the fact that she did not want Michel BARNABA to know that she had so much money and that she concealed the money for safety.

12. Pat downs on both the male subjects, Michel BARNABA and Carlos CAMARGO, was requested and authorized by CBPO Katovich. The pat downs on both subjects were performed by CBPO Naz witnessed by CBPO Adelini with negative results.
13. Secondary system queries revealed that Moura EL-ASMAR had been arrested for Theft under \$1000 on 01/15/92 and Theft under \$1000 again on 06/09/93. This makes Moura EL-ASMAR inadmissible to the U.S under section 212(a)(2)(A)(i)(I) of the U.S INA as amended. Secondary checks of all three remaining subjects, Jacinta EL-ASMAR, Michel BARNABA, Carlos CAMARGO, were negative. SCBPO Katovich approved the I160a refusal of Moura EL-ASMAR.
14. On June 9, 2013, at approximately 5pm, HSI Special Agent McBride and TFO Arslanian conducted interviews of all the subjects involved. Prior to conducting the interviews Agent McBride and TFO Arslanian advised each person individually of their Miranda Rights from a prepared DHS Statement of Rights Form.
15. During the interview of Moura EL-ASMAR, Moura EL-ASMAR acknowledged that she understood her rights and signed the waiver of the rights form. Moura EL-ASMAR stated that she sewed the currency into both bras. Moura EL-ASMAR stated that she retrieved the money on June 5th or June 6th 2013 from her bank safety deposit box. Moura EL-ASMAR stated her primary sources of income are from her

disability checks and her paper route. Moura EL-ASMAR said that her daughter Jacinta earns money from babysitting. Moura EL-ASMAR said that her other daughter Cardeeva works at a travel agency and makes \$800 to \$1,000 every 2 weeks. Moura EL-ASMAR said she told the inspector she only had \$3,000 because she did not want her boyfriend BARNABA to know how much money she had. Moura EL-ASMAR said she has traveled to the United States weekly and is aware of the reporting requirements.

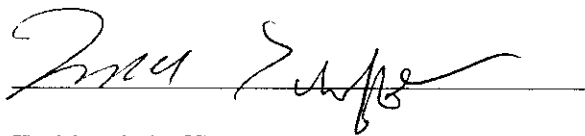
16. During the interview of Jacinta EL-ASMAR, she said that her mother sewed currency into her bra and asked her to wear the bra but, she said she did not know how much money was in the bra.
17. Both BARNABA and MARIN were interviewed and claimed they had no knowledge of the currency.

CONCLUSION

18. On June 9, 2013, in the Eastern District of Michigan, Southern Division, Moura EL-ASMAR, attempted to transport approximately \$72,973 in Canadian and U.S. currency into the United States for the purpose of evading the reporting requirements in violation of Title 31 USC Sec. 5316 and Title 31 USC Sec. 5322 and Title 31 USC Sec. 5332. Moura EL-ASMAR, also knowingly and willfully made false statements to CBP Officers regarding the amount of currency that she was carrying

in violation of 18 USC Sec. 1001.

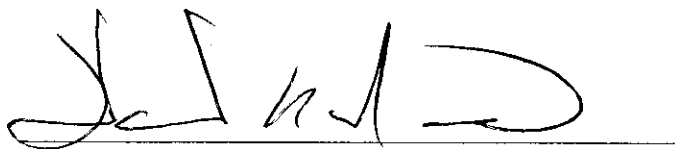
19. Based on the foregoing information and my experience and training, I believe there is sufficient probable cause to believe that violation of Title 31 United States Code, Section 5316, 5322 and 5332 has occurred as well as a violation of Title 18 United States Code, Section 1001.

A handwritten signature in black ink, appearing to read "Todd R. Scheffler", written over a horizontal line.

Todd R Scheffler

Task Force Officer, Homeland Security Investigations

Sworn to and subscribed before me on 10th day of June 2013

A handwritten signature in black ink, appearing to read "David R. Grand", written over a horizontal line.

HONORABLE DAVID R. GRAND

United States Magistrate Judge